

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

In the Matter of Permit 18710 Application 26058

California Department of Water Resources

ORDER APPROVING EXTENSION OF TIME AND AMENDING THE PERMIT

SOURCE: Castaic Creek tributary to Santa Clara River

COUNTY: Los Angeles

WHEREAS:

1. Permit 18710 was issued to California Department of Water Resources on January 4, 1983, pursuant to Application 26058.
2. A petition for an extension of time within which to develop the project and apply the water to the proposed use was filed with the State Water Resources Control Board (SWRCB) on September 18, 2000.
3. The permittee has proceeded with diligence and good cause has been shown for extension of time. Public notice of the request for extension of time was issued on February 16, 2001 and no protests were received.
4. The SWRCB has determined that the petition for extension of time does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
5. Fish, wildlife, and plant species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act. A term should be placed in the permit making the permittee aware of possible obligations resulting from these acts.

NOW, THEREFORE, IT IS ORDERED THAT PERMIT 18710 IS AMENDED TO READ AS FOLLOWS:

1. Condition 11 of the permit be amended to read:

Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, 2011.

(0000009)

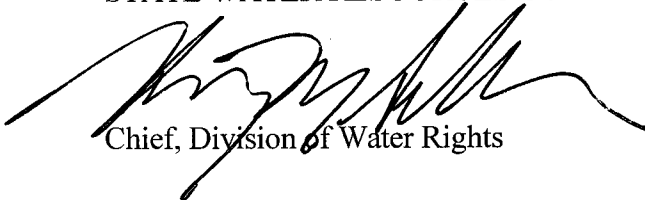
2. Permit 18710 is amended to include the following Endangered Species condition:

This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

Dated: MAY 10 2001

STATE WATER RESOURCES CONTROL BOARD



Chief, Division of Water Rights

STATE OF CALIFORNIA
~~THE RESOURCES AGENCY~~
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 26058

PERMIT 18710

LICENSE _____

ORDER APPROVING A CHANGE IN THE PURPOSE OF USE,
AND PLACE OF USE, AND AMENDING THE PERMIT

WHEREAS:

1. A petition to add to the purposes of use and the place of use has been filed with the State Water Resources Control Board.
2. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 3 of this permit regarding purposes of use is amended to read as follows:

Irrigation, domestic, municipal, industrial, salinity control, recreational, fish and wildlife enhancement and incidental power

2. Paragraph 4 of this permit regarding the place of use is amended as follows:

To include a powerplant at Castaic Dam located within the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 13, T5N, R17W, SBB&M.

3. Paragraph 9 of this permit is deleted. A new Paragraph 9 is added as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4)

suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) to installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: APRIL 4 1985

Raymond Walsh
Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 18710

Application 26058 of California Department of Water Resources
1416 Ninth Street, Sacramento, California 95814

filed on August 2, 1979, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:	Tributary to:
Castaic Creek	Santa Clara River thence
	Pacific Ocean

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
Storage in Castaic Reservoir N371,660 and El,817,740, California Coordinate System, Zone 5	NW¼ of SW¼	18	5N	16W	SB

County of Los Angeles

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
Fish and wildlife Enhancement						
Recreational						
Salinity Control						
Industrial						
Municipal						
Domestic						
Irrigation	Within the service area of the State Water Project as shown on Map 1878-3 revised December, 1964, including Ventura County					

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 85,000 acre-feet per annum to be collected from January 1 to December 31 of the each year. (0000005)
6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)
7. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)
8. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)
9. Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable methods of use, or unreasonable method of diversion of said water.
- The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. (0000012)
10. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)
11. Complete application of the water to the authorized use shall be made within 10 years from the date the final conditions are ordered by the Board. (0000009)
12. Permittee shall consult with the Division of Water Rights and develop and implement a water conservation program for the place of use to be served under this permit which complies with the Board's Water Conservation Planning Guidelines. A progress report on development of the program shall be submitted to the Board within 6 months. The program or proposed actions shall be presented to the Board for approval by January 18, 1984 or within such further time as may, for good cause shown, be allowed by the Board. (0000029)
13. The following terms refer to a fishery study required of Permittee:
- (a) Permittee shall fund a study to be performed by the Department of Fish and Game of the steelhead resource potential and flow requirements necessary for the transport of adult and juvenile steelhead to and from spawning and rearing areas of Sespe Creek, and the lower Santa Clara River and flow characteristics of Piru Creek below Pyramid Reservoir, Castaic Creek below Castaic Reservoir and the Santa Clara River below Castaic Creek. The purpose of this study will be to gather data and make recommendations as to feasible

alternatives for the improvement and perpetuation of a steelhead resource in Sespe Creek and the lower Santa Clara River which may reasonably be undertaken using water appropriated pursuant to this permit and the permit for Pyramid Reservoir.

- (b) Permittee shall obligate an amount not to exceed a total of \$120,000 for the Department of Fish and Game study regardless of the length of time necessary to complete the study. The amount of each year's expenditure shall be determined by the Department of Fish and Game. Permittee and the Department of Fish and Game anticipate that the study will be completed by December 31, 1984. However, if sufficient water to conduct the study is unavailable completion of the study may be extended to as late as December 31, 1987, without Board approval. The period of the study may be extended further upon a finding by the Board that such extension is necessary to accomplish the purposes of the study. Such extension by the Board shall not increase the monetary liability of Permittee beyond a total of \$120,000.
- (c) To aid in the conduct of the Department of Fish and Game study, Permittee shall release at the request of the Department of Fish and Game through the watermaster, 75 percent of the stored natural inflow appropriated pursuant to this permit for Castaic Reservoir and 100 percent of the stored natural inflow appropriated pursuant to the permit for Pyramid Reservoir up to a combined maximum from both reservoirs of 12,000 acre-feet annually in water year 1982-83 and a combined maximum from both reservoirs of 7,000 acre-feet annually thereafter until the completion of the study.
- (d) Only the stored natural inflow originating in the Castaic Creek watershed and stored by Permittee in Castaic Reservoir shall be released from Castaic Reservoir. Water will not be available for such release during water years in which no water in excess of prior rights is appropriated pursuant to this permit or the permit for Pyramid Reservoir or after May 1 of any water year. A water year extends from October 1 of a calendar year through September 30 of the next calendar year. In each year Permittee shall notify the Department of Fish and Game as soon as natural inflow is available for the study. The Department of Fish and Game will request releases through United Water Conservation District who will act as watermaster for the period of the study. Permittee shall notify United Water Conservation District upon the actual release of water for the study. Permittee shall make releases for the study within 24 hours after receipt of a request from United Water Conservation District.
- (e) Permittee shall immediately notify United Water Conservation District and the Department of Fish and Game of any emergency conditions which require the temporary delay or reduction of releases. Emergency conditions shall consist of an electro-mechanical breakdown of Permittee's facilities or a substantial danger of personal injury or property damage downstream of Permittee's facilities. Such notification shall be followed by notice in writing to United Water Conservation District and the Department of Fish and Game stating the reason for the delay or reduction and stating when the release request will be satisfied. If a release request is not satisfied within 24 hours of initial notification by Permittee of a delay or reduction and the Department Fish and Game disagrees as to the existence of emergency conditions, representatives of Permittee and Fish and Game shall meet and confer within 48 hours to resolve the disagreement. If agreement cannot be reached the Director of Water Resources and the Director of Fish and Game shall meet and confer to resolve the disagreement.
- (f) Any and all releases requested by the Department of Fish and Game for the purposes of the study shall be exclusive and independent of release of storage requested by any other party. The quantity of flow released by Permittee shall be measured at the release point. At the conclusion of the study, Permittee and the Department of Fish and Game will attempt to agree mutually on permanent steelhead resource improvement and perpetuation conditions to be added to this permit by the Board pursuant to its reserved jurisdiction. Such agreement or, if agreement cannot be reached, terms proposed separately by Permittee and the Department of Fish and Game shall be

presented to the Board along with a report of the findings and recommendations of the study and any other relevant information. The Board reserves jurisdiction to consider the appropriate permanent conditions, if any, to be added to this permit. (0000999)

14. Permittee shall recognize and provide for the contract rights of the County of Los Angeles, Newhall Land and Farming Company, Newhall County Water District, and United Water Conservation District which are the subject of an agreement between these parties and Permittee dated October 24, 1978. Each party shall retain all rights and obligations which it has under this agreement including any which may hereafter be agreed upon by the parties by amendment. (0000300)
15. During the period of the Department of Fish and Game fishery study the downstream water users shall be entitled to 25 percent of the natural inflow stored in Castaic Reservoir under the October 24, 1978, agreement. The other 75 percent of the natural inflow stored in Castaic Reservoir to which the downstream water users would otherwise be entitled upon request under that agreement shall be available to fulfill the needs of the fishery study. (0000500)
16. Appropriation of water under this permit shall be subject to rights initiated by applications for beneficial use of water within the Santa Clara River basin and the Oxnard Plain regardless of the date of filing of said applications. (0000999)
17. Any natural inflow remaining in the reservoir after fulfilling the needs of the fishery study shall be available to downstream water users in accordance with the October 24, 1978 agreement. (0000999)
18. All study plans, results, and recommendations pertaining to the fishery studies produced by Permittee and the Department of Fish and Game shall, immediately following compilation, be submitted to the Board. (0000500)
19. Permittee shall install a device, satisfactory to the State Water Resources Control Board, which is capable of measuring the flows required by the condition of this permit. Said measuring device shall be properly maintained. (0060062)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: JAN 4 1983

STATE WATER RESOURCES CONTROL BOARD

Raymond Walsh

Chief, Division of Water Rights